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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,252	03/07/2002	Gang Wu	4035-0148P	9279
2292 7590 06/13/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER ROBERTS, BRIAN S	
			ART UNIT 2616	PAPER NUMBER
			NOTIFICATION DATE 06/13/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/092,252

Applicant(s)

WU ET AL.

Examiner

Brian Roberts

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/07/2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

- Applicant's Amendment filed on 03/28/2007 is acknowledged.
- Claims 1 and 2 remain pending.

Drawings

1. The drawings are objected to because Figure 4A and Figure 4B are missing. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 and 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- In reference to claim 1

Claim 1 recites the limitation "the base states" in line 12. There is insufficient antecedent basis for this limitation in the claim. Furthermore, it is unclear what is meant by the limitation "base state".

In line 4, the preamble states the phrase "said common core network comprising". Line 20 recites the limitation "a plurality of common core networks". The claim is indefinite because a common core network cannot comprise a plurality of common core networks.

Lines 20-21 recite the limitation "a plurality of common core networks are arranged via the Internet". The limitation is confusing and unclear because the Internet cannot arrange a plurality of common core networks.

- In reference to claim 2

Claim 2 is rejected as being dependent on rejected independent claim 1.

Claim Rejections - 35 USC § 102

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-2, as best understood, are rejected under 35 U.S.C. 102(a) as being anticipated by Xu et al "DRiVE-ing to the Internet: Dynamic Radio for IP Services in Vehicular Environments".

- In reference to claim 1

In Figure 2, Xu et al. teaches a DRiVE network architecture that includes a DRiVE core network (*common core network*) comprising:

- A mobility management (*mobility manager*) that has a function of tracing a location of a DRiVE mobile terminal (*mobile host*) to determine an radio access system (*access network*) effective at a position of the location and function of carrying out local handoffs within the DRiVE core network (*common core network*) and handoffs for external networks based on mobile IP (sections 3.1 and 3.2)
- A traffic control (*resource manager*) that coordinates traffic distribution and is responsible for resource allocation and admission control to support the traffic distribution in the DRiVE core network (*common core network*) (sections 3.1 and 3.2)
- The DRiVE core network (*common core network*) supporting DRiVE mobile terminal (*mobile host*) roaming within a radio access system (*homogeneous*

radio communication network) and between a plurality of different radio access systems (*heterogeneous radio communication networks*) based on Internet Protocol (*network layer of OSI model*) and enables Internet access via a DRiVE border gateway (*gateway router*) and access to a plurality of base stations inherently located in the radio access systems simultaneously by communicating with the traffic control (*resource manager*) residing in the DRiVE core network (*common core network*) via a network selector of interfaces in the base states (sections 3.1, 3.2, 3.3)

- A plurality of DRiVE core network (*common core network*) are arranged via the Internet (sections 3.1 and 3.2)

- In reference to claim 2

In Figure 2, Xu et al. teaches a DRiVE network architecture that includes a DRiVE core network (*common core network*) comprising:

- A Micro mobility management function supporting handover for any DRiVE mobile terminal (*mobile host*) roaming between base stations belonging to a radio access system (*homogeneous radio communication networks*) (sections 3.1 and 3.2)
- A Macro mobility management function utilizing Mobile IPv6, supporting between a plurality of DRiVE core networks (*common core network*), handover for any DRiVE mobile terminal (*mobile host*) roaming between base

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stations belonging to a radio access system (*homogeneous radio communication networks*) (sections 3.1 and 3.2)

Response to Arguments

4. Applicant's arguments with respect to claims 1 and 2 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure are:

- Annoni "Radio Access Networks beyond 3G; A First Comparison of Architectures" outlines the DRiVE. See Architectural Comparison Table on pg. 5-6.
- Aladdin "Applied Inter-working in DRiVE A Next Generation Multi-access Approach" teaches a DRiVE core network.
- Tonjes "Multi-Access: The Key Driver Beyond 3G" teaches a DRiVE network with common core network.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Roberts whose telephone number is (571) 272-3095. The examiner can normally be reached on M-F 10:00-7:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BSR
05/29/2007



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